

REMARKS

Claims 1-10 are pending. Claims 2 and 3 have been cancelled. Claims 1, 9 and 10 have been amended. New claims 11 and 12 have been added. No new matter has been added. Support for the amendments and new claims may be found throughout the specification and in Attachment A. Claim 9 has been amended to correct minor typographical errors.

The Examiner's remarks in the last Office Action are addressed below. It is believed that the claims and all dependent claims, taken in light of the remarks made herein, meet all criteria for patentability.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §112, second paragraph

The Examiner has rejected claim 10 as the claim contains the trademark/trade name Ductal. See Office Action at page 2. Applicant respectfully traverses this rejection.

The material known as Ductal® is well-known. A description of Ductal® is attached at Attachment A. In an effort to expedite prosecution and not in acquiescence to the rejection, Applicant has amended claim 10. With respect to this amendment, Applicant believes claim 10 is supported by the specification. Applicant respectfully requests withdrawal of this rejection.

Rejection of claims under 35. U.S.C. §102

The Examiner has rejected claims 1-7 and 9 under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,431,216 to Briscoe ("Briscoe"). See Office Action at pages 2-4. Claims 2-7 and 9 are dependent on claim 1.

Applicant has discovered a protective device including a main body, first and second parts which are connectible together such that, in an assembled position the main body has a chamber therein, with opposed ends and a central longitudinal axis extending between the opposed ends, the first and second parts each having two longitudinal extending side edge portions which extend generally parallel with the longitudinal axis, are respective side edge

portions of the first part being adapted to cooperate with respective side edge portions of the second part to connect the two parts together in the assembled position. The first and second parts overlap when in the assembled position and being connected together by relative movement in the axial direction so as to adopt the assembled position. The first and second parts are partially circular when viewed in cross-section, the first part including a major segment of a circle and the second part forming a minor segment of a circle. The side edge portions of the first or second part include a recessed section which substantially extends from one end thereof to the other for receiving the side edge portion of the other part. See claim 1.

Briscoe discloses "a protection device for protective covering for a cylindrical structure such as a pipe, wire or cable." See col. 3, lines 24-26. Briscoe further describes "a protection device 10 consisting of two interlocking sections 12 and 14 that are on opposite sides of the cylindrical structure 15." See col. 3, lines 26-28. The two sections "result from splitting a cylinder lengthwise along a line that is slightly inclined relative to the longitudinal axis 24 of the cylinder. (See FIG. 2.)" (emphasis added). See col. 3, lines 61-65.

Briscoe does not describe a protection device that includes a main body, first and second parts which are connectible together such that, in an assembled position the main body has a chamber therein, with opposed ends and a central longitudinal axis extending between the opposed ends, the first and second parts each having two longitudinal extending side edge portions which extend generally parallel with the longitudinal axis. See claim 1. Briscoe further does not describe a protection device wherein the first and second parts are partially circular when viewed in cross-section, the first part including a major segment of a circle and the second part forming a minor segment of a circle, and the side edge portions of the first or second part includes a recessed section which substantially extends from one end thereof to the other for receiving the side edge portion of the other part. See claim 1.

Accordingly, independent claim 1 and claims that depend therefrom are not anticipated by Briscoe. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejection of claims under 35. U.S.C. §103

The Examiner has rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Briscoe in view of U.S. Patent No. 6,730,846 to Muller (“Muller”). See Office Action at pages 4-5. Claim 8 is dependent on claim 1.

Briscoe does not teach or suggest a protection device that includes a main body, first and second parts which are connectible together such that, in an assembled position the main body has a chamber therein, with opposed ends and a central longitudinal axis extending between the opposed ends, the first and second parts each having two longitudinal extending side edge portions which extend generally parallel with the longitudinal axis. See claim 1. Briscoe further does not describe a protection device wherein the first and second parts are partially circular when viewed in cross-section, the first part including a major segment of a circle and the second part forming a minor segment of a circle, and the side edge portions of the first or second part includes a recessed section which substantially extends from one end thereof to the other for receiving the side edge portion of the other part. See claim 1.

Muller describes “a cable fitting made of thermoplastic material.” See col. 1, lines 5-6. Muller does not teach or suggest a protection device that includes a main body, first and second parts which are connectible together such that, in an assembled position the main body has a chamber therein, with opposed ends and a central longitudinal axis extending between the opposed ends. See claim 1. Muller further does not describe a protection device wherein the first and second parts are partially circular when viewed in cross-section, the first part including a major segment of a circle and the second part forming a minor segment of a circle, and the side edge portions of the first or second part includes a recessed section which substantially extends from one end thereof to the other for receiving the side edge portion of the other part. See claim 1.

None of the above-cited references, alone or in combination, teach or suggest the protective device described in claim 1. Since claim 8 depends on claim 1, it is allowable over Briscoe and Muller for at least the reasons described above. Applicant respectfully requests reconsideration and withdrawal of this rejection.

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CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the pending rejections. Applicant believes that the claims now pending are in condition for allowance.

The Commissioner is authorized to charge Deposit Account **19-4293** the two-month extension of time of \$450. Should any further fees be required by the present Reply, the Commissioner is hereby authorized to charge or credit Deposit Account **19-4293**.

If, for any reason, a telephonic conference with the Applicant would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicant's Attorney at the telephone number provided below.

Respectfully submitted,

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Ductal®

Technical FAQ's

What is Ductal?

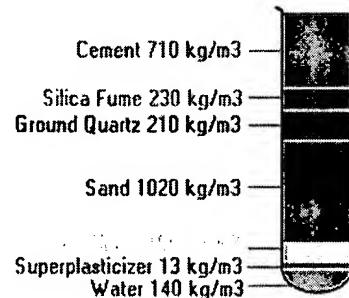
Ductal is a patented range of Ultra-High Performance Concretes (UHPC) with ductility. The uniqueness and importance of its ductile behavior is reflected in the name "Ductal".

Ductal is a revolution in concrete technology development (compared to Agilia, which is a stepped evolution in concrete development). The characteristics and behaviour of Ductal, along with the techniques required to mix, form, place and cure makes this material significantly different from concrete. Not only is Ductal significantly different from concrete, but with its unique combination of strength, ductility, durability and aesthetics, it is unlike any other construction material available today.

What is in Ductal?

The name "Ductal" is a registered trademark encompassing many chemical variations of UHPC combined with fibers. Currently, there are six different chemical formulations available in North America all under the Ductal brand name. (A typical proportioning of Ductal ingredients is shown at the right.)

Ductal is produced using materials commonly found in concrete: cement, silica fume, sand, Superplasticizer and water as well as some materials unique to Ductal: ground quartz, Wollastonite and fibers. The combination of all these materials, using an optimized gradation theory, results in a composite material that provides a unique combination of strength, ductility, durability and aesthetics.



What is Wollastonite?

Wollastonite is a mined siliceous mineral fiber that is found naturally in the earth. Wollastonite is not used in all Ductal chemical formulations but it is used when increasing durability and toughness is an issue.

What types of fibers are used?

Two types of fibers can be used to make Ductal; i) a high carbon metallic fiber and; ii) a poly-vinyl alcohol (PVA) fiber. The appropriate fiber and Ductal chemical formulation will be customized to best fit the application requirements.

Determining factors in selecting the type of fiber to be used in a particular application includes: strength requirements, exposure to corrosive agents, rheology requirements, desired aesthetics and exposure to human contact. (The metallic fibers are extremely small (0.2 mm diameter by 13 mm long) and can easily puncture the human skin, therefore PVA fibers are typically used where there is high human contact.)

What type of Superplasticizer is used?

A third-generation Superplasticizer.